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PROPOSED LEGISLATION—"JUDICIAL SALARY ACT OF 1989"

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A DRAFT OF PROPOSED LEGISLATION TO INCREASE THE ANNUAL SALARIES OF JUSTICES AND JUDGES OF THE UNITED STATES

APRIL 12, 1989.—Message and accompanying papers referred to the Committees on Post Office and Civil Service and the Judiciary, and ordered to be printed

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To the Congress of the United States:

I am pleased to submit for your consideration and enactment the "Judicial Salary Act of 1989". This legislation would increase the pay of Justices and judges of the United States by 25 percent, thus responding to the recommendation of the Chief Justice and the Judicial Conference that immediate salary increases be enacted for the judiciary.

Present pay schedules have failed to maintain a rational relationship between private sector compensation and salaries for Federal officials. The failure to enact substantially improved judicial salary rates will imperil the tradition of lifetime judicial service and the ability of the courts of the United States to function as an effective, independent judiciary.

Current salary rates deter sitting judges from continuing in office. Moreover, more and more well-qualified judicial candidates do not aspire to Federal judicial office because of the existing salary structure. Continuation of this trend will dilute the quality of the judiciary and frustrate the congressional purpose of broadening the base of the judiciary, as expressed in the last two acts creating new Federal judgeships.

These conditions call for prompt legislative action to help restore the real income loss in judicial salaries over the past two decades.

GEORGE BUSH.

THE WHITE HOUSE, *April 12, 1989.*

A BILL To increase the annual salaries of justices and judges of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Salary Act of 1989".

SEC. 2. The annual salary rates of the Chief Justice of the United States, Associate Justices of the Supreme Court of the United States, United States Circuit Judges, United States District Judges, and Judges of the United States Court of International Trade are hereby increased in the amount of 25 percent of their respective existing rates, rounded to the nearest $100, effective the first day of the first pay period that begins after the date of enactment of this Act.

SEC. 3. Section 140 of Public Law 97-92, 95 Stat. 120, is repealed.

SEC. 4. There are authorized to be appropriated such sums as necessary to carry out the purposes of this Act.

JUDICIAL SALARY ACT OF 1989

SECTION-BY-SECTION ANALYSIS

This bill would provide an immediate 25 percent increase in the compensation of justices of the Supreme Court and Federal judges.

Section 1. Short title

Section 1 assigns the bill the short title of "Judicial Salary Act of 1989."

Section 2. Judicial pay

This section provides a 25 percent increase in the salaries of all Supreme Court Justices and Federal judges appointed under Article III of the Constitution. It does so without altering the provisions of title 28, United States Code, which establish the current process for adjusting the salaries of these justices and judges. That process is governed by section 225 of the Federal Salary Act of 1967 (the Quadrennial Commission), as further adjusted annually by section 461(a) of title 28, United States Code (annual adjustments equivalent to General Schedule pay increases). The 25 percent increase would be effective the first day of the first pay period that begins after enactment.

The judicial officers enumerated in this section to receive the 25 percent pay increase are the Chief Justice of the United States, the Associate Justices of the Supreme Court, United States Circuit Judges, United States District Judges, and Judges of the United States Court of International Trade. In addition, this section would have the effect of increasing salaries of certain other Federal judges by the same 25 percent factor applied to Article III judges' pay. For example, the salary of the Chief Judge of the Veterans Appeals Court is established at the rate for United States Circuit

Judges. Moreover, the pay of United States Claims Court, United States Tax Court, and Associate Veterans Appeals Court Judges is fixed by law as equivalent to the rate of pay of United States District Judges.

Further, United States Bankruptcy Judges and full-time United States Magistrates have their salaries fixed by law at rates equivalent to 92 percent of the salary of a United States District Judge. In the case of Magistrates, this rate is a maximum, subject to administrative adjustment by the Judicial Conference of the United States. The salary rate for Special Trial Judges of the United States Tax Court is fixed by law at 90 percent of the pay of Tax Court Judges, and the pay of selected other officials in the judicial branch is fixed as equivalent to the pay rate for United States District Judges.

Thus, the overall effect of section 2 of this bill is to adjust the salaries of the following judicial officers as follows:

Judicial office	Current salary	Revised salary
Chief Justice	$115,000	$143,800
Associate Justice	110,000	137,500
United States Circuit Judge	95,000	118,800
Veterans Appeals Court Chief Judge	95,000	118,800
Military Appeals Court Judge	95,000	118,800
United States District Judge	89,500	111,900
Veterans Appeals Court Associate Judge	89,500	111,900
Court of International Trade Judge	89,500	111,900
United States Tax Court Judge	89,500	111,900
United States Claims Court Judge	89,500	111,900
Assistant to the Chief Justice	89,500	111,900
Director, Administrative Office of the United States Courts	89,500	111,900
Director, Federal Judicial Center	89,500	111,900
United States Bankruptcy Judge	82,340	102,948
Full-Time U.S. Magistrate (maximum)	82,340	102,948
Special Trial Judge, U.S. Tax Court	80,550	100,710
Part-Time U.S. Magistrate (maximum)	41,170	51,474

In addition, the salaries of retired justices and senior judges who were appointed to the bench for life also would be increased as a result of section 2 of this bill.

Section 3. Repeal of section 140 of Public Law 97-92

Section 3 would repeal section 140 of Public Law 97-92, a Fiscal Year 1982 continuing appropriations joint resolution, which permanently bars the expenditure of funds for salary increases of any Federal justice or judge unless specifically authorized by Act of Congress. This provision has been interpreted by the Comptroller General as barring any statutory "automatic" increases in judicial pay unless specifically authorized by distinct statutory enactment.

Section 4. Authorization of appropriations

This section authorizes the appropriation of such sums as necessary to implement the increases in judicial salaries enacted by section 2 of the bill.

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